

**AMENDMENTS TO THE DRAWINGS:**

The attached 20 sheets of drawings, which include Figures 6A-6E, 7A-7H, 8A-8C, 9A-9B, 9D, and 10A-10B, replace the original sheets including Figures 6A-6E, 7A-7H, 8A-8C, 9A-9B, 9D, and 10A-10B.

Attachment:                Replacement sheets (20)

### **REMARKS**

By this amendment, claim 1 is amended to incorporate subject matter recited in claims 2, 14 and 15. Claims 12, 14 and 15 have been canceled. Claims 2-11, 13, 16-25, 40 and 44 have been amended to more precisely recite the features of the claims. New claims 47 and 48 have been added. The amendment to claim 1 is supported by the original claims 2, 14 and 15, and by the specification in paragraph [0096]. New claims 47 and 48 are supported by the original claims 23 and 24, and by the specification in paragraphs [0131]-[0136]. No new matter is introduced. Reconsideration and allowance of the claims in view of the above amendments and the remarks that follow are respectfully requested.

### **Objection to the Drawings**

Figures 6A-6E, 7A-7H, 8A-8C, 9A-9B, 9D, and 10A-10B are objected to for containing pictures, charts and graphs that are either not legible, too dark to read, or both. Figures 6A-6E, 7A-7H, 8A-8C, 9A-9B, 9D, and 10A-10B have been replaced with color drawings. A petition for accepting color drawings is also filed with this Response. Applicant respectfully submits that the replacement drawings obviate the ground of the objection. Withdrawal of the objections to the drawings is respectfully requested.

### **Claim Rejections Under 35 USC § 112, First Paragraph**

Claims 1-46 are rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement for reasons stated on pages 3-7 of the Office Action. Applicant respectfully traverses the rejection.

Regarding claim 1, the Examiner alleges that the terms “framework,” “link” and “feedback loop” are not enabled. Applicant respectfully submits that a person of ordinary skill in the art would understand each of the terms. The “framework 106” described in the specification is a computer-implemented software system. Support for this is found throughout the specification including paragraphs [0048], [0096] and [0098]. With regard to link, applicant is not claiming a structural concrete connection. In this context, the “links” and “the feedback loop” are not simply a line on a drawing. Links represent or define a relationship, for example between or among a physical space and entities. Links may be stored in a database. Support for

links is found throughout the specification including at paragraphs [0033], [0035], [0045], [0046], [0053], [0084], [0093] and [0110]. A feedback loop is a function provided by the software of the claimed system. Support can be found for example at paragraph [0053], [0090], [0092], [0103], [0111] and [0158]-[0161].

Regarding claim 13, the Examiner alleges that the phrase “managing the links” is not enabled because the term “link” is not enabled. As discussed above, the term “link” is enabled. Accordingly, the specification also enables the phrase “managing the links” in claim 13.

Regarding claims 16 and 18 the Examiner alleges that the specification does not enable “the model highlights incompatible propositions with numeric imaging,” as recited in claim 16 and “the use of an operational specification chart,” as recited in claim 18. The specification, however, provides that the software instructions may create a theoretical specification chart as shown in FIG. 5, use a model to compare the theoretical specification to the present land use, and highlight incompatible propositions with, for example, numeric imaging. The process is described in more detail in paragraphs [0138], [0140] and Figure 7C. The use of an operational specification chart (OSC) is also described in detail in paragraphs [0139], [0142] and Figures 7D, 7E and 7H. Based on the description provided in the specification and claims, a person of ordinary skill in the art would understand to highlight incompatible propositions between the theoretical specification and the present land use in a model with numeric imaging, and create and use an operational specification chart.

Regarding claims 25, 29 and 34, the Examiner alleges that the specification does not enable one of ordinary skill in the art to qualitatively and quantitatively assess data (claim 25), to populate a balance sheet with gathered data (claim 29), and to use the assessment and evolution grids (claim 34). Applicant respectfully disagrees. Claim 25 itself provides that the data is “representative of human factors, economic factors and environmental factors.” A person of ordinary skill in the art would understand that data representative of human factors, economic factors and environmental factors would inherently include both qualitative data, such as what kind of services are available and quantitative data, such as the cost of services. The specification discusses in detail in paragraphs [0114]-[0160] how to populate a balance sheet with gathered data and qualitatively and quantitatively assess the data using the assessment grid (AG) (See, e.g., Figures 7A and 7B) and evolution grid (EG) (see e.g., Figures 7A, 7C, 7D, 7E, 7F, 7G, 7H). Accordingly, a person of ordinary skill in the art would understand how to

qualitatively and quantitatively assess data, to populate a balance sheet with gathered data, and to use the assessment and evolution grids based on the teachings of the specification.

#### **Claim Rejections Under 35 USC § 112, Second Paragraph**

Claims 23 and 24 are rejected under 35 USC § 112, second paragraph, for lack of antecedent basis for the phrase “the equation”. Claims 23 and 24 have been amended to recite “an equation.” Applicant respectfully submits that the amendments obviate the ground of the rejection. Withdrawal of the rejection to claims 23 and 24 under 35 USC § 112, second paragraph, is respectfully requested.

#### **Claim Rejections Under 35 USC § 101**

Claims 1-46 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. Independent claim 1 has been amended to recite a computer-implemented system comprising a computer readable medium and a processor. Independent claim 25 has been amended to recite a computer-implemented method that includes a step to gather and store data in a database. Independent claim 44 has been amended to recite a computer-readable medium comprising computer software instructions to gather data and store gathered data in a database.

Applicant respectfully submits that the amendments obviate the grounds for the rejection. Withdrawal of the rejection to claims 1, 3-11, 13 and 16-46 under 35 USC § 101 is respectfully requested. Claims 12, 14 and 15 have been canceled. Rejection to these claims is now moot.

#### **Claim Rejections Under 35 USC § 103**

Claims 1-46 are rejected under 35 USC 103(a) as being unpatentable over “Herring et al. US Patent 4,969,114 (Herring)” in view of “Orr et al. U.S. Publication 2003/0061012 (Orr)”. Applicant respectfully traverses the rejection.

To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991) and *MPEP* § 2142.

Herring generally describes a method for determining whether a specific spatial relationship exists among physical spatial entities. Orr generally describes a method for

providing or updating a digital comprehensive plan for past, present and/or future community development or planning. Neither Herring nor Orr teaches or suggest a system with a processor configured to “create a theoretical specification chart” and “compare the theoretical specification chart to a present land use using a model,” as recited in independent claim 1; or a method having the step of “formulating a theoretical specification, and modeling said services and use of said land and resources,” as recited in claims 25 and 44.

The Examiner alleges that Figures 3-6 of Herring are construed as the claimed theoretical specification chart. Applicant respectfully disagrees. As shown in Figures 5 and 7A-7C and described in paragraphs [0097], [0114], [0115], [0127]-[0138], the theoretical specification charts (e.g., Q<sup>2</sup>TSC 708 and Q<sup>2</sup>TSC 718 in Figure 7A and Q<sup>2</sup>TSC 731 in Figure 7C) are used in the conceptualization phase to compare the theoretical specification to the present land use, and to make theoretical computation for assessment and evolution.

In contrast, Herring is not theoretical. Figures 3-6 of Herring are simply a list of descriptors that reflect the mathematical relationship among the physical spatial entities. In other words, Figures 3-6 of Herring describe the actual spatial relationship of physical entities, not theoretical. Herring does not teach or suggest the creation of a theoretical specification chart. Moreover, Herring also fails to teach or suggest comparing the theoretical specification chart to a present land use using a model, as recited in independent claims 1, 25 and 44. Accordingly, claims 1, 25 and 44 are patentable over Herring and Orr because the cited references, individually or in combination, fail to teach or suggest all of the claim limitations.

Claims 3-11, 13 and 16-48 are patentable over Herring and Orr because they depend from one of claims 1, 25 and 44, and recite additional patentable subject matter.

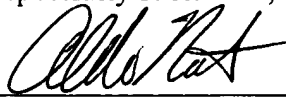
For example, claims 23 and 24 recite the equations  $A+B-C < \text{or} = A$  and  $A+B-C > A$ , respectively, wherein A represents: the cost of existing services, B represents: the increased cost due to improving the service or services, and C represents: person or entities concerned with: C1 - economy of scale realized when the service is implemented, C2 - economy due to ‘intelligence’ in maintenance and operation of the service, C3 - qualitative increase in level and number of services, C4 - economic fall out of these improvement, and C5 - assurance for the operator to have a rapid return on the investment. Herring and Orr fail to teach or suggest any of these equations. The Examiner alleges that it would be obvious to one of ordinary skill to use various mathematical equations to make economic evaluations. Applicant respectfully submits that each

mathematical equation is designed to solve a specific problem. An unrelated mathematical equation does not render another mathematical equation obvious.

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested. Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

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Respectfully submitted,



**Aldo Noto**  
Registration No. 35,628  
**Andrews Kurth LLP**  
1350 I Street, N.W.  
Suite 1100  
Washington, DC 20005  
Tel. (202) 662-2700  
Fax (202) 662-2739